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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**AMENDED NOTICE OF HEARING
REGARDING AMENDED FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ARAPAHOE LAND INVESTMENTS,
LP LOAN
(AMENDED TO CORRECT
EXHIBIT AND HEARING DATE)**

Date of Hearing: October 19, 2009
Time of Hearing: 3:00 p.m.

New Date of Hearing: November 13, 2009
Time of Hearing: 9:30 a.m.

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¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
2 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
3 **CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE**
4 **ARAPAHOE LAND INVESTMENTS, LP LOAN. THIS OBJECTION WILL NOT**
5 **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**
6 **INVESTMENT IN A DIFFERENT LOAN.**

7 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
8 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
9 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
10 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
11 **GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

12 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
13 Amended First Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon
14 Investment in the Arapahoe Land Investments, LP Loan (the “Objection”). Your Proof of
15 Claim number and other information regarding your claim is provided in **Exhibit A**,
16 attached. The USACM Liquidating Trust has requested that this Court enter an order,
17 pursuant to Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of
18 Claim to the extent it is based upon investment in the Arapahoe Land Investments, LP
19 Loan . The Objection will not impact your Claim to the extent it is based upon an
20 investment in a different loan.

21 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection originally
22 scheduled for October 19, 2009 at 3:00 p.m. will be held before the Honorable Linda B.
23 Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas
24 Boulevard South, Courtroom 1, Las Vegas, Nevada, on **November 13, 2009**, at the hour
25 of **9:30 a.m.**
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1 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
2 **NOVEMBER 13, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**
3 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
4 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

5 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
6 by **November 6, 2009**, pursuant to Local Rule 3007(b), which states:

7 If an objection to a claim is opposed, a written response must be filed and
8 served on the objecting party at least 5 business days before the scheduled
9 hearing. A response is deemed sufficient if it states that written
10 documentation in support of the proof of claim has already been provided to
11 the objecting party and that the documentation will be provided at any
12 evidentiary hearing or trial on the matter.

13 If you object to the relief requested, you *must* file a **WRITTEN** response to this
14 pleading with the Court. You *must* also serve your written response on the person who
15 sent you this notice.

16 If you do not file a written response with the Court, or if you do not serve your
17 written response on the person who sent you this notice, then:

- 18 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 19 • The Court may *rule against you* and sustain the objection without formally
20 calling the matter at the hearing.

21 Dated: September 24, 2009.

22 LEWIS AND ROCA LLP

23 By /s/ Marvin Ruth (#10979)

24 Rob Charles, NV 6593

25 John C. Hinderaker, AZ 18024 (*pro hac vice*)

26 Marvin Ruth, NV 10979

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Attorneys for the USACM Liquidating Trust

1 Copy of the foregoing and pertinent
2 portion of Exhibit A mailed by first
3 class postage prepaid U.S. Mail on
4 September 24, 2009 to:

5 Parties listed on Exhibit A attached.

6 LEWIS AND ROCA LLP

7 /s/ Leilani Lista
8 Leilani Lista
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